

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 29, 2003

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA03-0039 for Coastal Development Permit and Variance.

PROPOSAL: The applicant proposes to remodel an existing single-family dwelling including the addition of a new second floor. A Coastal Development Permit is required because the proposal is in an appealable area of the Coastal Zone and the additions exceed 10 percent of the existing dwelling's square footage. The applicant is also requesting approval of a Variance to allow small portions of the new additions to encroach in the required front setback area.

LOCATION: In the community of Emerald Bay, on the ocean side of Pacific Coast Highway, at 136 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

APPLICANT: Craig and Jody Johnson

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

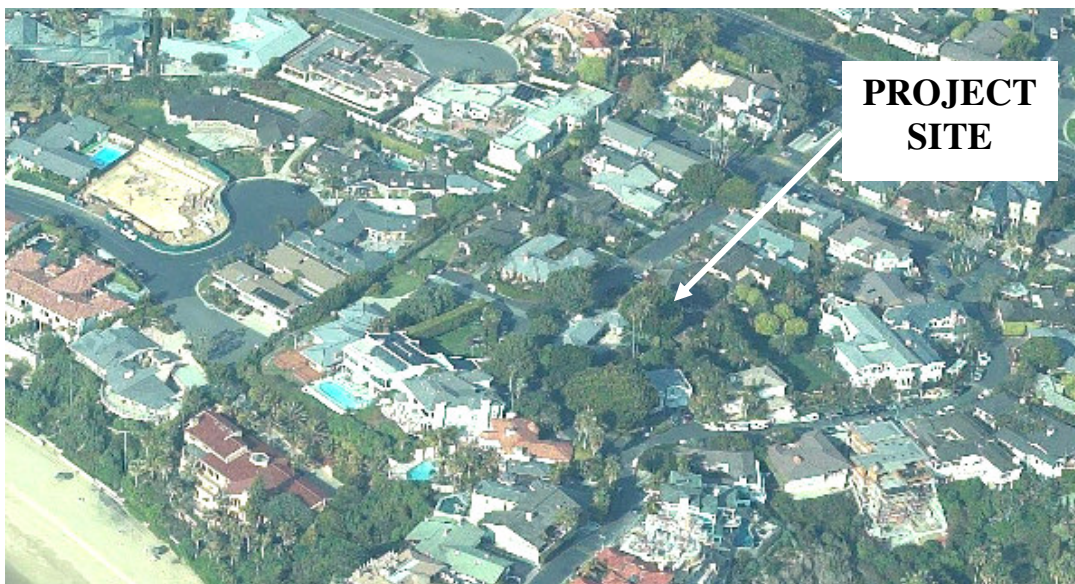
SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA03-0039 for Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is level, is approximately 9,300 square feet in area and is developed with a 2,975 square feet one story single-family dwelling. The property is zoned R1 (CD) District (Single-family Residence with a Coastal Development overlay). The applicant proposes to remodel this dwelling by increasing the first floor 120 square feet and adding a new second floor with 1,343 square feet of living area. The additions increase the living area of the existing dwelling by 49 percent. The subject site is in a Coastal Zone area where additions that increase an existing structure by more than 10 percent require the approval of a Coastal Development Permit. The new second floor addition is proposed to be setback 13'-11" (with supports for a second floor deck setback 12'-3") from the front property line and a small addition to the side of the existing garage is proposed to be setback 9'-1" from the front property line. Using the Zoning Code setback averaging method (Section 7-9-128.4), the front setback requirement for this lot is 16'-3". Since the proposed additions do not conform to the front setback requirement, the applicant is requesting approval of a Variance from the R1 District front setbacks.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned R1 “Single-family Residence” District with a CD “Coastal Development” District overlay, and developed with single-family dwellings (see photo below). Emerald Bay also has a certified Local Coastal Program (LCP). The LCP has a requirement that all properties on the ocean side of Pacific Coast Highway are also subject to regulations contained in Zoning Code Section 7-9-118 “Coastal Development” District. In general, property owners are required to obtain approval of a Coastal Development prior to demolishing dwelling or making large additions to an existing residence and/or construction of a new dwelling.



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Since this project is in the Coastal Zone, a Notice of Hearing was also mailed to the “occupant” of all homes within 100 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to three County Divisions and the Emerald Bay Community Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Emerald Bay Community Association approved the applicant’s plans on May 6, 2003.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 1, minor alteration of existing structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

There is no Coastal Zone issue associated with the additions proposed. The only reason for this Coastal Development Permit is the proposed additions exceed 10 percent of the existing dwelling's floor area. The proposed second floor addition is in harmony with other dwellings in the vicinity. Most recently, Coastal Development Permit PA03-0007 was approved on March 27, 2003 to permit the addition of a second story on the adjacent dwelling to the south, 138 Emerald Bay. As mentioned, the Emerald Bay Community Association approved the applicant's plans.

The front setback requested is 9'-1' for an addition to a garage, 12'-3" for the second floor deck supports and 13'-11" for the second floor addition, which is the same setback as the existing dwelling. In 1979, a variance (VA79-15Z) was approved for this property, however staff was unable to locate the microfilm records of this Variance. Available County records indicate the residence was constructed in 1950 and staff can only make an educated guess that modifications were later made to the dwelling and the current front setback was established by that 1979 Variance.

The front yard setback variance proposed is typical of the numerous variances approved throughout the community of Emerald Bay. The variance requested to enlarge the side of the two-car garage does not change the existing driveway length from the edge of the street to the face of garage door, which remains at a distance varying from 14 to 21 feet. Staff has not identified any significant issues associated with the proposed Variance nor is staff aware of concerns from surrounding property owners. However, before this Variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the Variance application must be disapproved.

1. *There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.*
2. *Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.*

Based on the numerous variances previously approved in the vicinity and throughout Emerald Bay, staff is of the opinion that the Zoning Administrator is able to make these two variance findings and approve the project. Staff supports the applicant's request for a Coastal Development Permit and Variance and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0039 for Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos and Air photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.